



STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

November 29, 2007

DEC 2 2007

Christopher R. Laux
State Building Inspector
Department of Public Safety
1111 Country Club Road
Middletown, CT 06457

Dear Mr. Laux:

I am writing on behalf of the Architectural Licensing Board in response to your letter of September 7, 2007. The Board reviewed your letter at its November 16, 2007, meeting. I have listed below the Board's answers after each of your questions.

Question 1: When submitting a bound set of construction drawings for building permit application, must the architect apply a live seal to each drawing within the set?

Answer: Yes.

Question 2: When submitting a bound set of construction drawings for building permit application, is the intent of the statute met when the architect applies a live seal to the first sheet only? **Answer:** No.

If not, would the intent of the statute be met by applying a live seal to the first sheet in the set accompanied by a written statement indicating which drawings in the set were covered by such seal? **Answer:** No.

Question 3: When submitting a bound set of construction specifications for building permit application, must the architect apply a live seal to each page within the set?

Answer: No.

Question 4: When submitting a bound set of construction specifications for building permit application, is the intent of the statute met when the architect applies a live seal to the first page only?

Answer: Yes, the seal should be applied to the cover page.

If not, would the intent of the statute be met by applying a live seal to the first page in the set accompanied by a written statement indicating which pages in the set were covered by such seal?

Answer: Because the first part of the question was answered in the affirmative, this question need not be answered.

Question 5: The statutes covering the practice of engineering are specific to require the engineer's signature in addition to the seal. Likewise, the statutes covering the

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practice of architecture by corporation (20-298b) require the signature of the architect on documents depicting services rendered by the corporation. The statute regarding architectural seals (20-293) does not, however, specifically require the signature of the architect on working drawings or specifications. In addition to a live seal, do the laws regarding architectural licensing require an architect not practicing under a corporate seal to sign construction documents (including drawings and specifications)?

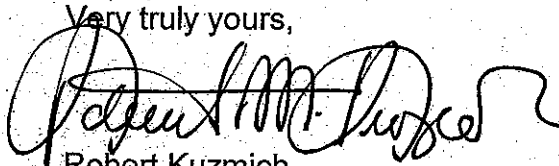
Answer: Not at present, but legislation proposed by the Department of Consumer Protection and the PELS Board, if passed, will require a signature in addition to a seal.

Question 6: If the response to Question 5 is in the affirmative, must such signature appear in the vicinity of each application of the seal as determined by the responses to Questions 1 through 4?

Answer: Because the first part of the question was answered in the negative, this question need not be answered. However, if the proposed legislation is passed, the signature should be placed directly above or below the seal, or across the seal.

If you have any questions, please call me at (860) 713-6143.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert Kuzmich", written over a horizontal line.

Robert Kuzmich
Board Administrator

S/L-ARCH-STATE BUILDING INSPECTOR



STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC SAFETY
DIVISION OF FIRE, EMERGENCY AND BUILDING SERVICES

September 30, 1993

TO: All Municipal Building Officials.
FROM: Donald J. Vigneau, AIA
State Building Inspector

Enclosed is a copy of Declaratory Ruling No. 93-1 for your information.

The request was brought by the Connecticut Architectural Licensing Board on its own motion regarding its interpretation of the requirements for professional licensure under Section 20-298, of the Connecticut General Statutes, particularly the exemptions enumerated under Subsection (h). Please review the Ruling, as it applies to requirements enforced under Section 20-293, of the Connecticut General Statutes, relating to the approval of plans in support of a permit.

The General Assembly recently enacted a modification to Section 29-263, contained in Public Act 93-435, Section 23 (Page 19). This requirement permits submission of plans by a registered interior designer "acting within the scope of his practice". A request for a ruling from the Office of the Attorney General has been made to clarify this modification to Section 29-263. Any plans submitted by such interior designer not exempted under the attached ruling should be approved only when determined to be within the scope of practice of such designer. The Department of Consumer Protection is, to our knowledge, the only source for such determination.

Please contact this Office if you have any questions.

DJV:pa

Enclosure

cc: Robert Gilmore

1111 Country Club Road
P.O. Box 2794
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STATE OF CONNECTICUT
CONNECTICUT ARCHITECTURAL LICENSING BOARD

IN THE MATTER OF:
EXEMPTED ACTIVITIES

DECLARATORY RULING NO. 93-1

DECLARATORY RULING

I. Procedural Background

By means of its own motion, the Connecticut Architectural Licensing Board (the "Board"), initiated a proceeding for a declaratory ruling as to the applicability of Conn. Gen. Stat. § 20-298, the exemptions provision of Chapter 390 of the General Statutes, to the practice of architecture in this State.

On February 16, 1993, notice of intent to hold a public hearing on the declaratory ruling was published in the Connecticut Law Journal. On March 2, 1993, notice of intent to hold a public hearing on the declaratory ruling was mailed to interested persons.

A public hearing was held on March 19, 1993, before the Board. For purposes of the public hearing, the following parties were granted party status: The Connecticut Coalition of Interior Designers, 211 Wethersfield Avenue, Hartford, Connecticut 06114; The Connecticut Chapter of the American Society of Interior Designers, 121 Morningside Drive, Stratford, Connecticut 06606; and The Connecticut Chapter of the Institute of Business Designers, 301 Lake Street, Vernon, Connecticut 06066. The

following party was denied party status: The Interior Design Advisory Board to the Connecticut Consumer Protection Department, 173 Stanley Drive, Glastonbury, Connecticut 06033. The following party was granted intervenor status: AIA Connecticut, 87 Willow Street, New Haven, Connecticut 06511.

Public speakers at the hearing were: Martin Benassi, President, AIA/Connecticut; Garrett Ludwig, President, Diversified Design Technologies; Carole Shea, Interior Designer; Ann Gagnon, Connecticut Coalition of Interior Designers; Barbara Ebstein, Interior Design Advisory Board to the Department of Consumer Protection; Laura Bordeau, Interior Designer; Ro Favata, Connecticut Chapter of the Institute of Business Designers; Kim Placvian, Interior Designer; Bruce Spiewak, Architect; Ken Kaplan, Interior Designer; Donald Vigneau, State Building Inspector; Leo Belval, Town of Manchester Building Official; and Judy Edwards, AIA/Connecticut.

II. The Exemption Section

The Board often has been requested by persons involved in the design aspects of building construction and by local building officials to clarify the circumstances in which persons not licensed in this State as architects may perform services which would otherwise constitute the practice of architecture. The legislative mandate administered by the Board provides that "[e]xcept for plans for buildings or structures under the provisions of Section 20-298, no official of this State or of any city, town or borough therein, charged with the enforcement of

laws, ordinances or regulations relating to the construction or alteration of buildings or structures, shall accept or approve any plans or specifications that are not stamped with the seal of a licensed architect or a licensed professional engineer." Conn. Gen. Stat. § 20-293.

The General Assembly has set forth in Conn. Gen. Stat. § 20-298 the exemptions from the licensing requirements. It is apparent to the Board that the public would benefit by an interpretation of Section 20-298. The Board seeks to provide that guidance to the public, design professionals and building officials.

Section 20-298 provides as follows:

Exempted activities. The following activities are exempted from the licensing provisions of this chapter: (a) The practice of engineering by a professional engineer licensed under the provisions of chapter 391, and the performance by such professional engineer of architectural work for which he is qualified by education and experience and which is incidental to his engineering work; (b) the construction or alteration of a residential building to provide dwelling space for not more than two families, or of a private garage or other accessory building intended for use with such residential building, or of any farm building or structure for agricultural use; (c) the preparation of details and shop drawings by persons other than architects, for use in execution of the work of such persons, when buildings are designed in accordance with the requirements of this chapter; (d) the activities of employees of architects licensed in this state acting under the instructions, control or supervision of their employers; (e) the superintendence by builders, or properly qualified superintendents employed by such builders, of the construction or structural alteration of buildings or structures; (f)

the activities of officers and employees of any public utility corporation whose operations are under the jurisdiction of the department of public utility control; (g) the activities of officers and employees of the government of the United States while engaged in this state in the practice of architecture for said government; (h) the making of plans and specifications for or supervising the erection of any building containing less than five thousand square feet total area; the making of plans and specifications for or supervising the erection of any addition containing less than five thousand square feet total area to any building; the making of alterations to any existing buildings containing less than five thousand square feet total area; provided this subsection shall not be construed to exempt from the operation of the other provisions of this chapter alterations in buildings of more than five thousand square feet total area, involving the safety or stability of such buildings. Said areas are to be calculated from the exterior dimensions of the outside walls of the building and shall include all occupiable floors or levels.

III. Discussion

A. Activities of Professional Engineers.

Subsection (a) of Section 20-298 allows a licensed professional engineer to perform "architectural work for which he is qualified by education and experience and which is incidental to his engineering work." (Emphasis added.) This subsection has been interpreted in an Opinion of the Attorney General (Letter to Anthony Masciarelli, Chairman of the Connecticut Architectural Licensing Board, dated October 20, 1987) that the architectural work performed by the professional engineer be of such a nature that it is incidental to engineering work being performed by that engineer on a particular project. Further, while a structural

engineer may be qualified by education and experience to perform certain aspects of architectural work, an electrical or mechanical engineer would not necessarily be so qualified. The Board believes that it is important for a building official who is reviewing architectural work performed by a professional engineer to make the determination that this particular engineer has the education and experience to perform that architectural work and that the particular project is predominantly engineering in nature.

B. Residential Buildings.

Subsection (b) of Section 20-298 allows a person not licensed as an architect to perform architectural work on: (a) one or two family buildings; (b) private garages or other accessory buildings appurtenant to those one or two family buildings; and (c) any farm building or structure for agricultural use. It is important to note that there is no size limitation, such as the 5,000 square feet parameters set forth in subsection (h) of this section, on the scope of such architectural work.

C. Details and Shop Drawings.

Subsection (c) of Section 20-298 allows a person not licensed as an architect to perform architectural work consisting of the preparation of details and shop drawings on either: (a) buildings designed by licensed architects; or (b) buildings designed by a person not licensed as an architect but otherwise exempted by some other subsection of this Section 20-298.

D. Employees of Architects.

Subsection (d) of Section 20-298 allows an employee of a licensed architect to render or offer to render architectural services to the public, provided that the employee is acting under the instruction, control or supervision of the licensee. Sec. 20-289-1a(6) of the Board's Regulations defines the terms "personal supervision" and "direct supervision" as meaning "that the architectural work is prepared under a licensed architect's control and as to that work, the architect has detailed professional knowledge."

Consistent with this exemption, Sec. 20-289-10a(5)(c) of the Board's Regulations allows a licensed architect to sign and seal that portion of professional work prepared for him by another licensed architect or licensee of any other professional licensing board who may be retained as a "consultant" provided that the licensee has reviewed or coordinated preparation of and intends to be responsible for such professional work.

E. Superintendence of Building Construction.

Subsection (e) of Section 20-298 allows a builder, or his qualified employee, to superintend the construction of structural alteration of buildings, regardless of size. "Superintend" means "to have or exercise the charge and oversight of: direct." Webster's Seventh New Collegiate Dictionary. This exemption is interpreted as applying to the activities of a builder, or his qualified employee, supervising or directing the construction or

structural alteration of buildings or structures on which the builder has been retained to provide such services.

F. Activities by Public Utility Corporations.

Subsection (f) of Section 20-298 exempts the activities of officers and employees of regulated public utility companies. This exemption only applies, however, to such activities of the officers or employees of the utility that concern the business of the utility and are conducted while in the employ of the utility.

G. Activities of Federal Government Employees.

Subsection (g) of Section 20-298 exempts the activities of officers and employees of the federal government. This exemption only applies, however, to such activities of the officers or employees of the federal government that concern federal government business and are conducted while in the employ of the government.

H. Buildings Less Than Five Thousand Square Feet in Area.

Subsection (h) of Section 20-298 concerns activities in connection with buildings or structures that are less than 5,000 square feet in total area. The first clause of this subsection allows for the making of plans and specifications for or the supervision of the erection of buildings less than 5,000 square feet in total area. The second clause of this subsection allows for the making of plans and specifications for or the supervision of the erection of any addition containing less than 5,000 square feet in total area to any building. However, the combined total area of the addition and the existing building cannot exceed

5,000 square feet in total area since the first clause of this subsection limits the total building area within the exempted activities to 5,000 square feet. The third clause of this subsection allows for the making of alterations to any existing building containing less than 5,000 square feet in total area.

For the purpose of interpreting this subsection, the Board relies upon the following definitions from Webster's Seventh New Collegiate Dictionary:

Building: "Roofed and walled structure built for permanent use. The art of business of assembling materials into a structure."

Erection: "The act or process of erecting; construction."

Addition: "A part added (as to a building or residential section)."

Alteration: "The act or process of altering; the state of being altered."

Alter: "To make different without changing into something else."

Area: "The surface included within a set of lines."

This subsection, therefore, exempts the services of design, planning and construction documentation including, but not limited to, drawings, specifications, studies and reports, that may be offered or provided by persons not licensed as architects in this State. However, this exemption is limited to only those buildings not required by other statutes to be prepared or sealed

by a licensed architect.¹ Attached hereto as Appendix A is an illustration of the application of this subsection.

As depicted in Appendix A, Subsection (h) authorizes persons not licensed as architects to do the following:

1. Provide the services indicated on the construction of buildings less than 5,000 square feet in total area.
2. Provide the services indicated on the construction of an addition of less than 5,000 square feet in total area to an existing building of any size, provided that the combined total area of the addition and the existing building cannot exceed 5,000 square feet.
3. Provide the services indicated on the alteration of an existing building that is less than 5,000 square feet in total area.

This subsection directs that square footage is to be calculated from the exterior dimensions of the outside walls of the building and includes all occupiable floors or levels. As defined herein, a "building" includes all exterior dimensions, whether it is a single use or single tenant building or a mixed use or mixed tenant building. Therefore, a building may be a strip shopping center or a multi-unit condominium complex, regardless of whether individual units in the building are separated by fire walls. .

1 See, e.g., Conn. Gen. Stat. § 29-276c.

CONCLUSION

The Board is hopeful that this declaratory ruling will be useful to the public and the design community in determining the scope of exempted activities.

FOR THE BOARD

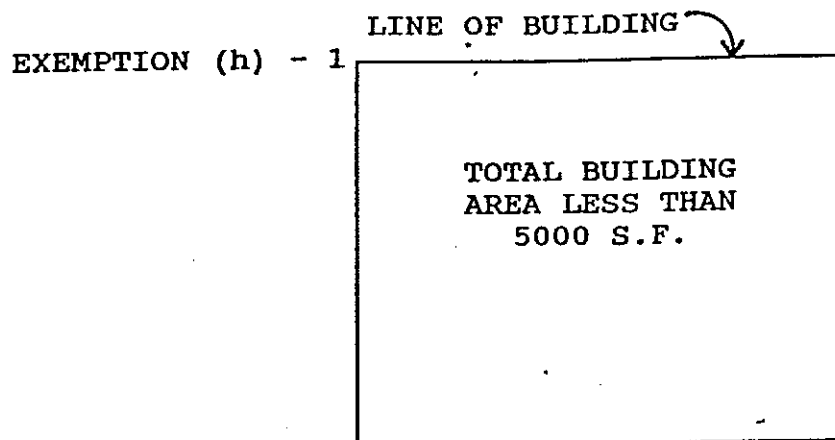
August 13, 1993

DATE


ALLAN DEHAR
Acting Chair

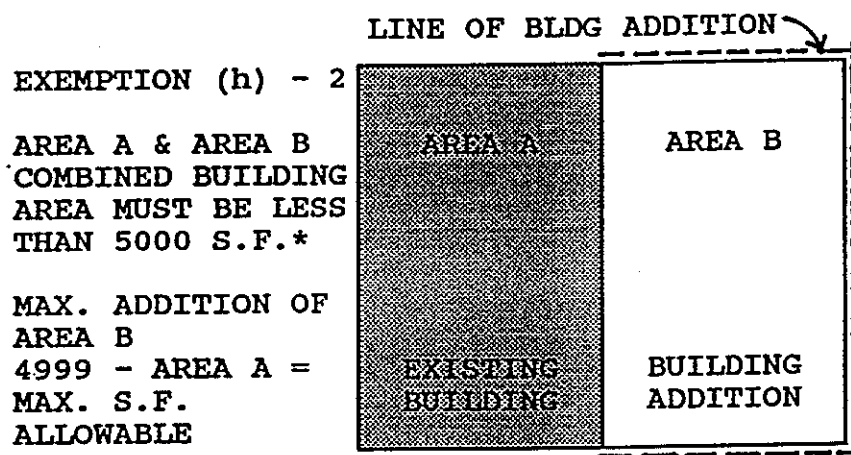
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SEC. 20-298 EXEMPTION (h) ILLUSTRATED GUIDE



THE MAKING OF PLANS
AND SPECIFICATIONS FOR
OR
SUPERVISING THE ERECTION OF

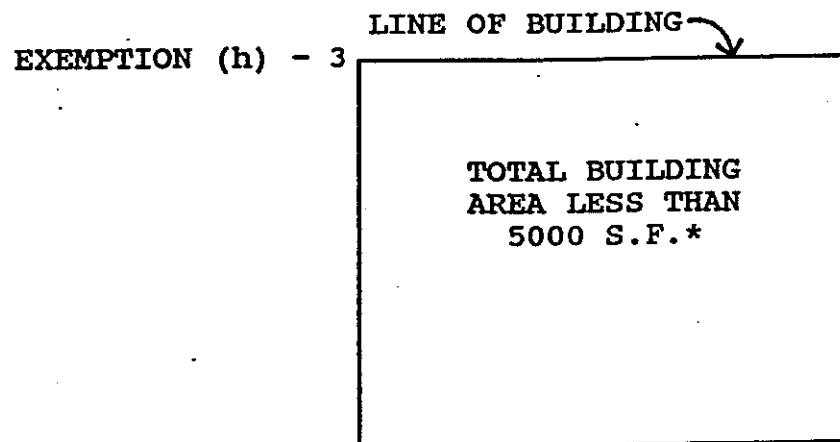
ANY BUILDING CONTAINING
LESS THAN 5000 S.F. TOTAL
AREA



THE MAKING OF PLANS
AND SPECIFICATIONS FOR
OR
SUPERVISING THE ERECTION OF

ANY ADDITION CONTAINING
LESS THAN 5000 S.F. TOTAL
AREA

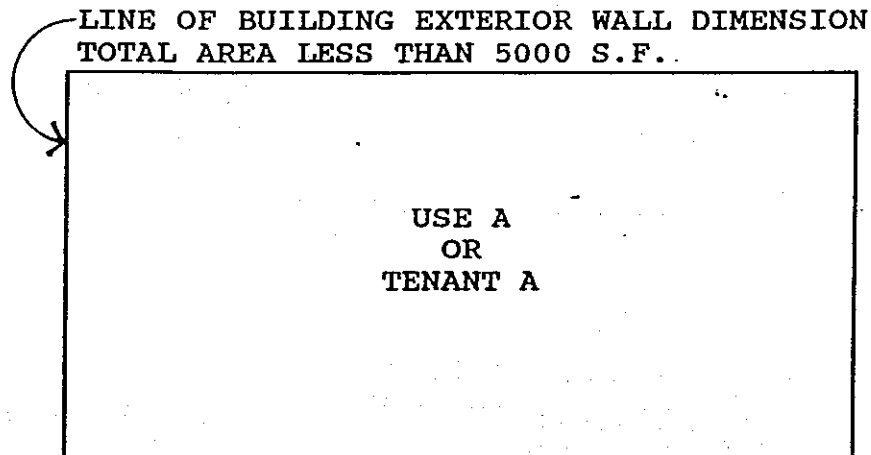
* 5000 S.F. LIMITATION DETERMINED BY EXEMPTION (h) - 1



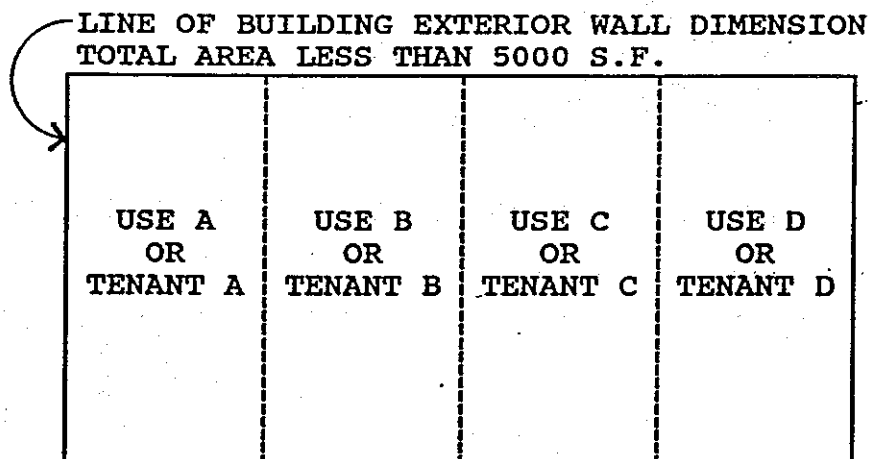
THE MAKING OF ALTERATIONS
TO ANY EXISTING BUILDINGS
CONTAINING LESS THAN
5000 S.F. TOTAL AREA

RULING: EXTERIOR DIMENSIONS.

A "BUILDING" SHALL BE AS DEFINED HEREIN AND SHALL INCLUDE SINGLE USE OR SINGLE TENANT BUILDINGS AND MIXED USE OR MIXED TENANT BUILDINGS.



SINGLE USE OR SINGLE TENANT BUILDINGS



MIXED USE OR MIXED TENANT BUILDINGS

E.G. MULTI-FAMILY RESIDENTIAL
ENCLOSED SHOPPING MALLS
STRIP SHOPPING CENTERS
OFFICE BUILDINGS